

### **REMARKS**

This submission is in response to the Restriction Requirement dated November 12, 2002. Claims 44-46 have been added. Claims 33-35 and 44-46 are pending upon entry of this amendment. Reconsideration of the above identified application, in view of the above amendments and the following remarks, is respectfully requested.

Applicants respectfully point out that a restriction requirement is not proper for this application. When filing this divisional application, Applicants cancelled claims 1-32 and 36-43. Thus, prior to this amendment the only claims that were pending in this application were claims 33-35. Each of these claims each fall within the Examiner's Group III invention group. In any case the Examiner has acknowledged that the pending claims should be examined together and, thus, an office action on the application's merits should be promptly issued.


New claims 44-46, which are within the elected groups, have been added. Support for these new claims can be found throughout the specification and in originally filed claims 33-35. For example, from page 14, line 24 to page 15, line 1 and from page 16, line 24 to page 18, line 25, the terms vaccine and bacterin are used interchangeably. Thus, no new matter has been added by way of this amendment.

### CONCLUSION

Therefore, in view of the above amendments and remarks, it is respectfully requested that the restriction requirement be reconsidered.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

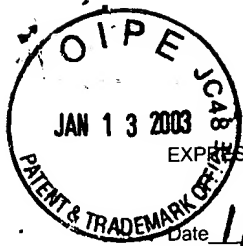
A handwritten signature in black ink, appearing to read "Paul F. Fehlner", written over a horizontal line.

Paul F. Fehlner, Ph.D.

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Patent & Trademark Office

Docket No. 0632/1G857-US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jon B. KORSHUS et al.

Serial No.: 09/930,657

Art Unit: 1645

Confirmation No.: 3992

Filed: August 14, 2001

Examiner: Devi, Sarvamangala

For: BORRELIA BURGDORFERI BACTERIN

COURTESY COPY OF THE PENDING CLAIMS UPON ENTRY OF THIS AMENDMENT

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

Sir:

33. A bacterin which comprises per dose an effective immunizing amount of an antigenic subunit derived from a first *Borrelia burgdorferi* isolate, an effective

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immunizing amount of an antigenic subunit derived from a second, non crossprotective *Borrelia burgdorferi* isolate, an adjuvant in an amount effective to enhance the immunogenicity of the antigenic subunits and a suitable carrier.

34. The bacterin of claim 33, wherein the effective immunizing amount of the antigenic subunits derived from each of the non crossprotective *Borrelia burgdorferi* isolates is an amount from about ten micrograms to about 10,000 micrograms.

35. The bacterin of claim 33, further comprising an effective immunizing amount of an antigenic subunit of a third *Borrelia burgdorferi* isolate.

44. (New) A vaccine which comprises per dose an effective immunizing amount of an antigenic subunit derived from a first *Borrelia burgdorferi* isolate, an effective immunizing amount of an antigenic subunit derived from a second, non crossprotective *Borrelia burgdorferi* isolate, an adjuvant in an amount effective to enhance the immunogenicity of the antigenic subunits and a suitable carrier.

45. (New) The vaccine of claim 44, wherein the effective immunizing amount of the antigenic subunits derived from each of the non crossprotective *Borrelia burgdorferi* isolates is an amount from about ten micrograms to about 10,000 micrograms.

46. (New) The vaccine of claim 44, further comprising an effective immunizing amount of an antigenic subunit of a third *Borrelia burgdorferi* isolate.